

CHAPTER 12.38

ENCROACHMENTS

(3016-10/89, 3781-10/07)

Sections:

- 12.38.010 Encroachment permit required
- 12.38.020 Permit not required
- 12.38.030 Prohibited encroachments
- 12.38.040 Application procedure
- 12.38.045 Duration and validity
- 12.38.050 Repealed – Ordinance 3781-10/07
- 12.38.060 Hold harmless

12.38.010 Encroachment permit required. In addition to any agreement, license, permit or franchise required by this Code or the Zoning and Subdivision Ordinance or any permit or entitlement required by state and federal law, the following uses may temporarily encroach into the public right-of-way subject to the issuance of an encroachment permit by the Department of Public Works and the payment of all applicable fees as set by resolution of the City Council:
(3016-10/89, 3781-10/07)

- (a) Structural Elements (3016-10/89)
- (b) Signs (3016-10/89)
- (c) Lighting (3016-10/89)
- (d) Parkway modification including surfacing, tree or shrub removal and/or planting. (3016-10/89)
- (e) Unusual architectural treatment, appendages, or fixtures, such as awnings. (3016-10/89)
- (f) Shrub planting and removal. (3016-10/89)

12.38.020 Permit not required. Private encroachments not requiring a permit. (3016-10/89)

- (a) Parkway lawn and ground cover. (3016-10/89)
- (b) Parkway sprinkling systems. (3016-10/89)
- (c) Use of public streets and projections over public property which are covered by the Uniform Building Code under a valid building permit issued by the City. (3016-10/89)

12.38.030 Prohibited encroachments.

- (a) Parkway surface of loose rock or gravel. (3016-10/89)
- (b) Private dwellings and appendages, except as provided for in the Uniform Building Code.
(3016-10/89)

12.38.040 Application procedure. Application for any permit as required by this policy shall be filed with the Public Works Department on a form provided by the City and shall show the proposed planting or work and the nature thereof. Drawings for encroachment permits requiring Public Works review shall be prepared to scale. Plan and elevation drawings shall accurately depict location, height, and extent of the proposed encroachments. (3016-10/89)

12.38.045 Duration and validity.

(a) Permits shall be void if the project, including restoration, has not been completed within sixty days; provided, however, that the Director, in his or her discretion for good cause shown, may issue one thirty-day extension to the start date and one thirty-day extension to the duration of a permit upon written request from the permittee and payment of any applicable fees. The Director may issue additional extensions as may be appropriate in his or her discretion.
(3781-10/07)

(b) Permits are not transferable without proof of current business license issued by the City of Huntington Beach for the assignee and any subcontractors who will be providing service under the permit and evidence of insurance as specified by Resolution of the City Council, and the written consent of the permittee and the Director. (3781-10/07)

12.38.060 Hold harmless. Every person or other entity which encroaches on a public right-of-way shall enter into written agreement with the City and approved as to form by the City Attorney, whereby the person or entity agrees to indemnify and hold harmless the City, in compliance with the current requirements of the City. A permittee will be required to supply the City, prior to construction, proof of insurance in compliance with City's current requirements.
(3016-10/89)